City of Lafayette
Public Meeting Action Agenda
Lafayette City Council
Open Space Committee

Monday, September 14, 2009 **5:00 PM**
Lafayette Community Center – **Manzanita Room**
500 St. Mary's Road, Lafayette, California

---

1) CALL TO ORDER **5:05 pm**
2) ROLL CALL
   Mayor Tatzin, Vice Mayor Andersson, Councilmembers Anderson, Anduri and Federighi

   Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Greg Wolff, Senior Planner; Zoe Merideth, Intern; Joanne Robbins, City Clerk

   Open Space Committee: Phillip Chernin, Alan Horn, Elizabeth Johnson, Donn Walklet
   Absent: Ann Cormack

3) PLEDGE OF ALLEGIANCE
4) ADOPTION OF AGENDA
5) PUBLIC COMMENTS
6) PRESENTATIONS
   Open Space Committee Workshop
   Presentations by State Coastal Conservancy, East Bay Regional Park District, and Muir Heritage Land Trust
   Action: Receive and file.

7) ADJOURNMENT

I, Joanne Robbins, declare under penalty of perjury that this agenda has been posted at least 72 hours in advance at the Lafayette City Offices, 3675 Mt. Diablo Blvd., Suite 210, Lafayette, CA.

* Any writings or documents pertaining to an **open session** item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at City Hall located at 3675 Mt. Diablo Blvd., Suite 210, Lafayette, CA. during normal business hours.

City of Lafayette
Public Meeting Action Agenda
Lafayette City Council
Redevelopment Agency

Monday, September 14, 2009 **6:30 PM**
Lafayette Community Center – **Sequioia Room**
500 St. Mary's Road, Lafayette, California

---

1) CALL TO ORDER **6:30 pm**
2) ROLL CALL
   Mayor Tatzin, Vice Mayor Andersson, Councilmembers Anderson, Anduri and Federighi

   Steven Falk, City Manager; Mala Subramanian, City Attorney

3) ADOPTION OF AGENDA
4) PUBLIC COMMENTS
5) CLOSED SESSION
   A. Conference with Real Property Negotiators (Gov. Code § 54956.8)
      Property: 950 Moraga Road, Lafayette, APN 234-010-011-0
      Agency Negotiator: Steven Falk, City Manager
      Negotiating Parties: David Twa, County Administrator
      Under Negotiation: Price and Terms of Payment
      Action: Direction given to staff.

   B. Conference with Legal Counsel - Existing Litigation (Gov. Code § 54956.9(a))
      R & R Maher Construction Company, Inc. v. HSR General Engineering Contractors, Inc., et al. Contra Costa Superior Court Case No. C 09-02256
      Action: No action taken.

6) ADJOURNMENT

I, Joanne Robbins, declare under penalty of perjury that this agenda has been posted at least 72 hours in advance at the Lafayette City Offices, 3675 Mt. Diablo Blvd., Suite 210, Lafayette, CA.

* Any writings or documents pertaining to an **open session** item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at City Hall located at 3675 Mt. Diablo Blvd., Suite 210, Lafayette, CA. during normal business hours.

City of Lafayette
Public Meeting Action Agenda
Lafayette City Council
Planning Commission
Design Review Commission
Redevelopment Agency

Monday, September 14, 2009 **7:00 PM**
Lafayette Community Center – **Manzanita Room**
500 St. Mary's Road, Lafayette, California

---

1) CALL TO ORDER **7:03 pm**
2) ROLL CALL
Mayor Tatzin, Councilmembers Anderson, Anduri and Federighi
Absent: Vice Mayor Andersson

Steven Falk, City Manager; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Christine Sinnette, Senior Planner; Mark Robbins, Code Enforcement Officer; Mala Subramanian, City Attorney; Joanne Robbins, City Clerk

3) PLEDGE OF ALLEGIANCE
4) ADOPTION OF AGENDA
5) REPORT FROM CLOSED SESSION
6) PUBLIC COMMENTS
7) PRESENTATIONS

Convene Joint Session Design Review and Planning Commission

Design Review Commissioners Andre Ptaszynski, Robert Cleaver; William Marquand
Absent: Tom Lee, Ken Hertel
Planning Commissioners Will Lovitt, Tom Chastain, Rick Humann, Karen Maggio, Mark Mitchell
Absent: Jeanne Ateljevich, Patricia Curtin-Tinley

8) OLD BUSINESS
A. Lafayette Town Center Phase III: Study session of an 82-unit residential condominium project submitted by Lafayette Residential Partners and KB Homes, Inc. on a 1.47 acre vacant parcel located behind 3590-3608 Mt. Diablo Blvd., APN 243-040-035
Action: Provided direction to the applicant. No formal action was taken by the City Council or Commissions.

Adjourn Joint Session

Vice Mayor Andersson arrived

B. Michael Cass, Assistant Planner
Lafayette Chamber of Commerce (applicant), City-Wide Application: Request to Amend the 2009 Lafayette Stimulus Package Relating to Existing Small Businesses, Hours of Operation, and Parking Requirements
Action: Adopted Resolution 2009-48. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri

and Federighi; Noes: None)

9) STAFF REPORTS

10) PUBLIC HEARING

A. Christine Sinnette, Senior Planner
Consideration of proposed amendments to the Lafayette Municipal Code consisting of (1) Ordinance 586 amending Chapter 6-23, Outdoor Storage and Repairs, (2) Ordinance 589 amending Chapter 1-3, Penalty Provisions, (3) Ordinance 590 amending Chapter 1-9, Administrative Citations, and (4) Ordinance 591 amending Chapter 8-21, Code Enforcement
Action: Conducted first reading and public hearing and continue as amended to September 28, 2009 for second reading and adoption. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)

11) CONSENT CALENDAR

A. City Council Minutes
1. August 10, 2009
Action: Approved. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)
2. September 1, 2009
Action: Approved. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)

B. E-mail from Gabriel Froymovich resigning from the Crime Prevention Commission
Action: Accepted resignation and schedule recognition. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)

C. Happy Valley Road Pedestrian Path Reconstruction Project Phase II, Project Number 014-9667, Final Acceptance of Construction Contract
Action: Accepted the construction contract with Ameca General Engineering as complete and authorize staff to file a Notice of Completion for the Happy Valley Road Pedestrian Path – Phase II, Project Number 014-9667. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)

D. Resolution 2009-49 Establishing Rate of Tax Levy to Provide Payment of Interest and Principal on Series 2002 General Obligation Bonds Series and Series 2004 General Obligation Bonds During FY 2009-2010
Action: Adopted Resolution 2009-49. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)

E. Stanley Boulevard/Springbrook Road Sidewalk Project Number 014-9672, Final Acceptance of Construction Contract
Action: Accepted construction contract with North Bay Construction as complete and authorize staff to file a Notice of Completion for the Stanley Boulevard/Springbrook Road Sidewalk Project Number 014-9672. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)

F. Letter dated August 24, 2009 from Dr. Susan Hahn resigning from the Senior Services Commission, Senior Housing Task Force and as Lafayette's representative on the Contra Costa County Advisory Council on Aging.
Action: Accepted with regret and schedule recognition. Vote: 5-0 (Ayes: Tatzin, Andersson,

Anderson, Anduri and Federighi; Noes: None)

G. Parks, Trails & Recreation Commission Supports 50/50 Split of Measure WW Funds with the Open Space Committee
Action: ***Received and filed. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

H. Award of Contract; PWS 09-05; Fence Extension, Public Works Services Facility, 3001 Camino Diablo
Action: ***Awarded the Contract for PWS 09-05 to Pacific General Engineering. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

I. Letter to the California Supreme Court regarding the ability of cities to seek judicial review of regional council of government decisions in support of the City of Irvine's Petition for Review of the opinion issued by the Fourth District Court of Appeal, Division Three, in City of Irvine v. Southern California Association of Governments Supreme Court Case No. S175329
Action: ***Authorized Mayor to execute the letter. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

J. Mount Diablo Multi-Purpose Pathway, Project No. 014-9676 Accept Project as Complete
Action: ***Allocated $17,200 from Fund 014 Walkways Fee balance. Accept all work performed by HSR, Inc. for the Mount Diablo Multi-Purpose Pathway, Project No. 014-9676 as complete and authorized the final payment to be made including release of retention, pending approval of the City Attorney, in accordance with the City Attorney's recommendations concerning the Stop Notice claims. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

K. 16 Hidden Valley Road – Request for Retaining Wall Encroachment into the City Right-of-Way
Action: ***Approved encroachment into the City Right-of-Way along the property at 16 Hidden Valley Road and authorized the City Manager to execute an encroachment agreement with applicant. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

L. 3166 Stanley Boulevard – Request for an encroachment permit to replace failing wood retaining wall within the public right-of-way with a stone retaining wall
Action: ***Approved encroachment into the City Right-of-Way along the property at 3166 Stanley Boulevard and authorized the City Manager to execute an encroachment agreement with the applicant. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

M. Update on the Multi-Jurisdictional Local Mitigation Hazard Plan
Action: ***Received report and continued to September 28, 2009. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

Convene Redevelopment Agency

N. Update on Library Public Art Program
Action: ***Received and filed. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

Adjourn Redevelopment Agency

12) COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

B. Councilmember Federighi
2009 Annual Conference Resolutions for Consideration at the League's Annual Business Meeting - Resolution Relating to Social Host Liability and Resolution Urging City Governments and Others to Divest from Banks That Fail to Cooperate With Foreclosure Prevention Efforts
Action: ***Gave direction to Lafayette's voting delegate Councilmember Federighi. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

C. Art & Wine Booth Sign-Ups
Action: ***Scheduled booth hours for the Art & Wine Festival. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

D. Emergency Preparedness Commission requests council adopt a proclamation recognizing September as National Preparedness Month
Action: ***Approved proclamation recognizing September as National Preparedness Month. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

E. Senior Services Commission recommends council adopt a proclamation recognizing September 21-27 as "Fall Prevention Awareness Week
Action: ***Approved proclamation recognizing September 21-27 as "Fall Prevention Awareness Week. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

13) WRITTEN COMMUNICATIONS

A. Letter dated August 23, 2009 from Garrie E. Scott, Regent with the Mt. Diablo Chapter of the Daughters of the American Revolution, requesting a proclamation recognizing September 17 to September 23 as a week to commemorate our Constitution.
Action: ***Approved proclamation recognizing September 17 to September 23 as a week to commemorate our Constitution. Vote: 3-2 (Ayes: Tatzin, Federighi and Anduri; Noes Andersson and Anderson)***

B. E-mail received August 27, 2009 from Lori McDonald, Contra Costa County CAER Group, Inc., requesting a proclamation recognizing November 4, 2009 as Shelter in Place Education Day.
Action: ***Approved proclamation recognizing November 4, 2009 as Shelter in Place Education Day. Vote: 5-0 (Ayes: Tatzin, Andersson, Anderson, Anduri and Federighi; Noes: None)***

C. E-mail from John Coleman, EBMUD Board of Directors, Ward 2 requesting council send a letter to EBMUD asking the Board to consider all options, and to not limit future choices to meet the demand for water in the years to come.
Action: ***Approved sending letter to EBMUD asking the Board to consider all options, and to not limit future choices to meet the demand for water in the years to come. Vote: 4-0-1 (Ayes: Tatzin, Anderson, Anduri and Federighi; Noes: None; Absent: Andersson)***

14) ADJOURNMENT 11:35 pm in memory of Brad Kisner.

I, Joanne Robbins, declare under penalty of perjury that this agenda has been posted at least 72 hours in advance at the Lafayette City Offices, 3675 Mt. Diablo Blvd., Suite 210, Lafayette, CA.

* Any writings or documents pertaining to an **open session** item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at City Hall located at 3675 Mt. Diablo Blvd., Suite 210, Lafayette, CA. during normal business hours.